IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.23049 of 2006

Dated: November 8, 2006

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Between:

Miss M. Ayyamma, D/o. M. Ayyappa, aged 54 years,
Working as Child Development Project Officer,
ICDS Project, Adoni Rural Post, Kurnool District.

… Petitioner

And

Government of Andhra Pradesh, Social Welfare (CV-2)
Department, rep. by its Additional Secretary to Govt.,
and another.

… Respondents

Order:

This Writ Petition has been filed seeking Certiorari to call for the records of Memo No.11609/CV.2/2006-1 dated 19-10-2006 issued by the first respondent and quash the same as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for the respondents.

3. Petitioner is working as Child Development Project Officer, Adoni,

Kurnool District having been initially appointed as Extension Officer (Women and Child Welfare) in the quota reserved for Scheduled Tribes, basing on the Caste Certificate issued by the Tahsildar, Adoni, dated 12-04-1979. However, the Collector and District Magistrate, Kurnool, the competent authority, under the provisions of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 ('the Act' for brevity) passed order dated
09-08-2006 canceling the Caste Certificate issued to her in the year 1979.

4. The grievance of the petitioner is that the order dated 09-08-2006 was not directly served on her, but it was sent to her employer only on 02-09-2006 and when she preferred review against the order dated 09-08-2006 before the first respondent on 26-09-2006, the same was rejected by the impugned memo on the ground of limitation without going into merits of the case by recording a finding that the same is time-barred.

5. As per the statutory provision under Section 7 of the Act, an appeal and review is to be filed against the orders of the competent authority within a period of thirty days. The case of the petitioner is that the order dated 09-08-2006 was served on her employer only on 02-09-2006, which in turn was communicated to her, and when she preferred a review on 26-09-2006 against the order dated 09-08-2006, the reviewing authority, i.e. the first respondent ought to have taken into account the date of service of the order dated 09-08-2006 on her and reckoned the period of limitation, i.e. the thirty days period of limitation prescribed under Section 7 of the Act ought to have been calculated from the date of service of the order dated 09-08-2006.

6. As much as it is stated that the order dated 09-08-2006 was served on the petitioner only on 02-09-2006 and she preferred review on

26-09-2006, there appears no reason for rejecting the review filed by the petitioner by the impugned order on the ground of limitation. Further, the remedy of appeal is a substantial remedy available to the petitioner against the orders of cancellation of her Caste Certificate.

7. In that view of the matter, the impugned memo dated 19-10-2006 issued in proceedings No.11609/CV.2/2006-1 is set aside. The first respondent is directed to consider the Appeal/review filed by the petitioner afresh, treating it as having been filed within the period of limitation and pass appropriate orders.

8. The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 8, 2006
MRR